



Inter Department Correspondence Sheet

TO: Members of Council

FROM: City Clerk

COPIES TO: \_\_\_\_\_

SUBJECT: Minutes of City Council Meeting

September 18, 2015

Attached are the minutes from the City Council meeting held on September 15, 2015.

R. Breckenridge Daughtrey

# **NORFOLK, VIRGINIA**

## **REGULAR SESSION OF COUNCIL**

**TUESDAY, SEPTEMBER 15, 2015**

President Fraim called the meeting to order at 5:20 p.m. with the following members present: Ms. Graves Ms. Johnson, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Protogyrou.

He thereupon called for Council interests.

### **A. COUNCIL INTERESTS**

1. Councilman Riddick reiterated his belief that Council made a mistake in negotiations concerning Waterside. He opposes the Cordish Group building apartments or condos or to add rooftop parking on Waterside. Councilwoman Johnson added that there seems to be rumors about what will be done with the property, and that Council needs to clarify publicly what the plans are for the property. Councilman Riddick added that any more discussions concerning Waterside should be open to the public. He asked that Council discuss Waterside, housing and the regional jail at Council's retreat.
2. Councilman Winn asked if construction has begun on the new school, that the Ocean View Little League will have a designated home field by spring.
3. Councilwoman Whibley a) asked that appropriate staff get ahead of problems at the 43<sup>rd</sup> Street condominiums, noting that cars are parking on the grass, trash cans are being left at the curb, landscaping is not being taken care of, et cetera, b) asked for clarification on requirements for contractors removing asbestos from one-story single-family units, noting there are complaints from the Cottage Cove Civic League that these contractors have no safeguards in place, and c) reiterated a request to lower the speed limit on Jamestown Crescent.
4. Vice Mayor Williams Graves asked for an update with regard to the construction on Princess Anne Road at Booker T. Washington High School. She suggested that a public update should be given as well.
5. Councilman Smigiel: a) asked for an update on red light cameras and specifically on plans for their expansion to other intersections, b) asked if the No Right Turn on Red sign is needed at the intersection of Waterside Drive and St. Paul's Boulevard as you come off the ramp from the interstate.

6. Citing a recent article in the Wall Street Journal regarding Airbus' opening a plant in Mobile, Alabama, Councilman Protogyrou asked how we might attract similar corporations to Norfolk. Mayor Fraim added that we also need assistance from the state to bring more opportunities to Norfolk.
7. Councilman Protogyrou asked for updates on major construction projects by way of a windshield-type graph showing what work has been completed on a weekly or bi-weekly basis and to include what monies have been spent to date.
8. With regard to the Poverty Commission Interventions, Councilman Riddick asked to make sure that the business community is involved and helping to find employment for citizens with non-violent felony convictions in their past.
9. With regard to Docket Item R-3, Councilman Protogyrou asked that we look at giving economic incentives to attract similar breweries to Norfolk. Councilman Smigiel suggested one incentive might be with using Norfolk's water. Vice Mayor Williams Graves suggested incentives for locating to other areas of the city.
10. With regard to Docket Item R-8 and R-8A, Councilman Protogyrou stated that this is a busy intersection and he suggested that the city install a crosswalk and appropriate lighting for pedestrians crossing the street from the beach to the 7-Eleven.
11. With regard to Docket Item R-19, Councilman Protogyrou noted that our drug court has been a model for the State of Virginia and that other cities have no help whatsoever. He stressed that any additional funding would be beneficial.

## **B. POVERTY COMMISSION-INTERVENTIONS**

Susan Perry, Special Assistant to the City Manager, reported:

- Funded initiatives include: 1) Newborn Screening and Referral Program; 2) Quality improvements initiative for childcare providers; 3) United for Children Summer Enrichment Program Expansion; 4) Open Campus High School; 5) Libraries as Workforce Development Centers; and 6) Commercial Corridor Neighborhood Grant Program.
- Planned funding for 2016 will allow for additional initiatives.

### **C. UNITED FOR CHILDREN**

Carol McCormack and Luciano Ramos, from the United Way and Rohan Cumberbatch-Smith, Principal of Jacox Elementary, reported on progress made by students in the Summer Enrichment Program with the principal of Jacox reporting his findings. Ms. McCormack reported planning is underway with Norfolk Public Schools for next summer.

### **D. ELEVATE EARLY EDUCATION – E3**

Lisa Howard, President and CEO of Elevate Early Education, reported on the reason early childhood education is vital for children's educational success. She noted the E3 School in Park Place opened in February, and has a curriculum developed by the University of Virginia.

### **E. PLANNING ITEMS ON AGENDA**

George Homewood, Director of Planning, reviewed the following:

#### **MP ISLAND CAFÉ**

The request is to expand the existing entertainment facility for events such as wedding receptions, graduations. The Lake Taylor Civic League expressed concerns at the City Planning Commission meeting; the Commission asked the applicant to meet with the civic league and the applicant declined to do so. By a majority vote the City Planning Commission denied the application. Since that time the applicant met with the civic league and they no longer have an issue with the expansion. However, the civic league has asked that an 18-month sunset clause be placed on this expansion. Mr. Homewood explained that staff typically does not recommend a sunset clause for existing businesses; therefore, they make no recommendation. Vice Mayor Williams Graves noted that the other restaurants around MP Island Café are permitted to have these types of events. She added that there have been no police service calls to MP Island Café.

## **BUD'S USED TIRES AND BRAKE**

The existing business is located on Military Highway, and the owner would like to purchase this site to do auto repair. The city requires that all auto repair be done inside an enclosed building. The existing building's service bays are filled with tires and the applicant is unable to get the vehicles completely inside. He has been cited by enforcement staff for not complying with the requirement. The City Planning Commission, by a 4-2 vote, approved the application based on staff's recommendation, the site location and landscaping improvements. The City Planning Commission members who voted for denial were concerned about what would happen to the existing location.

## **7-ELEVEN OCEAN VIEW**

A coastal character design is proposed, and the parking and gas islands will be located at the rear of the building which will move activity away from the Royal Mace Apartments. In addition, extensive landscaping is proposed. As part of their application, 7-Eleven has pledged to remove the existing store. Staff recommended approval of the application and the City Planning Commission unanimously recommended approval. The civic leagues from the surrounding area voted in favor of the application (Cottage Line, Bayview, Greater Pinewell and Pinewell by the Bay). Councilman Smigiel noted that communications in opposition were from citizens who did not participate in any of the civic league meetings concerning the application. He stated that the civic leagues have spent a lot of time working with 7-Eleven on the site plan and building design. He noted that the property had been vacant and for sale for approximately three years. He added that the Master Plan for Ocean View has not been implemented because of changes to eminent domain law.

## **F. CLOSED SESSION**

Motion for closed session was approved for purposes which are set out in **Clause (s) 3 of subsection (A) of Section 2.2-3711 of the Virginia Freedom of Information Act**, as amended:

- (3) Discussion of the disposition of publicly owned real property at 2612 Monticello Avenue.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

## **NORFOLK, VIRGINIA**

### **ACTION OF THE COUNCIL**

**TUESDAY, SEPTEMBER 15, 2015 – 7:00 P.M.**

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

### **CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

## **CEREMONIAL MATTER**

Mr. Edward Lazon, Friends of the Norfolk Public Library, thanked Council for their continuous support and informed them of the many successes of the Summer Reading Program.

## **PUBLIC HEARINGS**

PH-1

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **West Norfolk Marketplace, LLC**, for **a)** an amendment to the future land use designation in the General Plan, *plaNorfolk2030*, from Multifamily Corridor to Commercial at **1209 West 26<sup>th</sup> Street**, **b)** an amendment to the future land use designation in the General Plan, *plaNorfolk2030*, from Industrial to Commercial at **2330 Bowdens Ferry Road** and **c)** for a change of zoning from I-1 (Limited Industrial) District, I-3 (General Industrial) District, and C-2 (Corridor Commercial) District to Conditional C-2 (Corridor Commercial) District on property located at **2315, 2401, 2419, 2501, 2517 2601, 2605, and 2613 Hampton Boulevard, 1250 West 24<sup>th</sup> Street, 1215, 1217, 1221, and 1225 West 25<sup>th</sup> Street, 1204, 1207 and 1209 West 26<sup>th</sup> Street, and 2330 Bowdens Ferry Road.**

**ACTION:** Continued to October 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Noah Bachow**, **a)** for a Zoning text amendment to repeal Section 11-42, "Green Gifford Localized Sign Overlay District," of the *Zoning Ordinance* and **b)** for a change of zoning from C-4 (Large Scale Commercial) and Green Gifford Localized Sign Overlay Districts to Conditional C-2 (Corridor Commercial) District.

Thereupon, An Ordinance entitled, "An Ordinance to repeal **Section 11-42** of the **Zoning Ordinance of the City of Norfolk, 1992**, entitled "**Green Gifford Localized Sign Overlay District**," was introduced in writing and read by its title.

Randy Royal, 4500 Main Street, Virginia Beach, the Attorney, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2A                      An Ordinance entitled, "An Ordinance to rezone properties located at **6420, 6424, 6440** and **6506 North Military Highway** from C-4 (Large Scale Commercial) District and **Green Gifford Localized Sign Overlay District** to Conditional C-2 (Corridor Commercial) District," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-3                      **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **George Yancey**, for a change of zoning to modify the conditions on property zoned Conditional HC-G3 (Ghent Historic and Cultural Conservation District) on property located at **1201 Colonial Avenue**.

Thereupon, An Ordinance entitled, "An Ordinance to rezone property located at **1201 Colonial Avenue** in order to change conditions on property zoned Conditional HC-G3 (**Ghent Historic and Cultural Conservation District**) District," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-4

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on authorizing the Sale to the City of Suffolk of a certain parcel of property located at the intersection of **King's Fork Road and Waters Road in the City of Suffolk**, Virginia, for the sum of \$35,000.00, and approving the Purchase and Sale Agreement.

Thereupon, An Ordinance entitled, "An Ordinance authorizing the sale to the **City of Suffolk** of a certain parcel of property located at the intersection of **King's Ford Road, and Waters Road in the City of Suffolk, Virginia**, for the sum of \$35,000.00, and approving the **Purchase and Sale Agreement**," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 16, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-5

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the **Sublease to Portsmouth Community Health Center, Inc., ("PCHC")**, upon certain conditions, of a portion of certain property located at **3755 Virginia Beach Boulevard**, leased by the City of Norfolk for its Community Services Board ("NCSB"), and authorizing the City Manager to negotiate and execute a Sublease Agreement on behalf of the City.

Thereupon, An Ordinance entitled, "An Ordinance approving the **sublease to Portsmouth Community Health Center, Inc., ("PCHC")**, upon certain conditions, of a portion of certain property located at **3755 Virginia Beach Boulevard, Lease** by the City of Norfolk for its **Community Services Board ("NCSB")**, and authorizing the City Manager to negotiate and execute a **Sublease Agreement** on behalf of the City," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 16, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-6

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Land Disposition and Development Contract** between the **City of Norfolk**, as Seller, and **St. Paul's Apartments, L.P.**, as Purchaser, for real property consisting of 4.54 acres, more or less, and located at **St. Paul's Boulevard and Wood Street** in the **City of Norfolk**.

Miles Leon and Tom Johnson, 440 Monticello Avenue, were present to answer questions.

Joe Austin, 215 Brooke Avenue, spoke in opposition to this matter.

**The following proponents spoke in favor of this project:**

Reverend John Burton, Pastor, Saint John's AME Church, 545 East Bute Street, Shirl Montgomery, 1323 Windsor Point Road, Mary Miller, President & CEO, Downtown Norfolk Council, 7600 Gleneagles Road, Sarah Kingsley-Foley, 940 West Princess Anne Road, Marie Murphy, 530 Briar Hill Road, Brenda Cornick, 545 East Bute Street and James Wofford, 300 Monticello Avenue.

Thereupon, An Ordinance entitled, "An Ordinance Approving a **Land Disposition and Development Contract** between the City of Norfolk, as Seller, and **St. Paul's Apartments, L.P.**, as Purchaser, for real property consisting of 4.54 acres, more or less, and located at **St. Paul's Boulevard and Wood Street** in the City of Norfolk," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 16, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley and Frain.

No: None.

Abstained: Winn.

Mr. Winn stated that he was abstaining because his company, Winn Nursery, has been providing services to S. L. Nusbaum.

## **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of an automobile and truck repair facility named 'Bud's Used Tires and Brake Services' on property located at **3345 North Military Highway**," was be introduced in writing and read by its title.

Warren Sacks, 300 East Little Creek Road and Brad Martin, 1060 Lynnhaven Parkway, Virginia Beach were present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as '**MP Island Café**' on property located at **5957 East Virginia Beach Boulevard, Suites 5, 6, and 7**," was introduced in writing and read by its title.

Michael Palmer, 5957 East Virginia Beach Blvd, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment named 'Smartmouth Brewing Company' on property located at **1309 Raleigh Avenue**," was introduced in writing and read by its title.

Chris Neikirk, 5336 Edgewater Drive, the applicant, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3A An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a microbrewery named 'Smartmouth Brewing Company' on property located at **1309 Raleigh Avenue**," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Lemongrass Grille' on property located at **725 West 21<sup>st</sup> Street**," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4A

An Ordinance entitled, “An Ordinance granting a **Pedestrian Commercial Overlay Development Certificate** permitting alterations to a building to create an outdoor dining space on property located at **725 West 21<sup>st</sup> Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘Legrand Kitchen’ on properties located at **4513-4515 Colley Avenue**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the construction of a fence on property located at **231 West Balview Avenue**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘Hair of the Dog Eatery’ on property located at **4820 Hampton Boulevard, Suites B and C,**” was introduced in writing and read by its title.

Vin Lal, 4820 Hampton Boulevard, the applicant, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘7-Eleven’ on property located at **735 East Ocean View Avenue,**” was introduced in writing and read by its title.

**The following proponents spoke in favor of this project:**

Steve Romine, the attorney, 999 Waterside Drive, Ste. 2100, Michelle Farmer, 9422 Phillip Avenue, Ted Tzavellas, 1325 Botetourt Gardens and Sandra Winfrey, 9621 Chesapeake Boulevard.

Bob Layton, 1501 Bayville Street, spoke in opposition to this matter.

Steve Blevins, 770 Independence Circle, Virginia Beach, Engineer, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: Riddick.

R-8A                               An Ordinance entitled, “An Ordinance granting a Special Exception to permit a convenience store, 24-hours (with fuel sales) known as ‘**7-Eleven**’ on property located at **735 East Ocean View Avenue**,” was introduced in writing and read by its title.

**ACTION:**    The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes:   Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No:   Riddick.

R-9                               Letter from the City Manager and the following two Ordinances:

                              An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**7-Eleven**’ on property located at **3805 Colley Avenue**,” was introduced in writing and read by its title.

Steve Romine, the attorney, 999 Waterside Drive, Ste. 2100

**ACTION:**    The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes:   Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No:   None.

R-9A                               An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit a convenience store, 24-hours (with fuel sales) known as ‘**7-Eleven**’ on property located at **3805 Colley Avenue**,” was introduced in writing and read by its title.

**ACTION:**    The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes:   Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No:   None.

R-10 Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Baxter’s** to encroach into the City’s Right of Way on **Bute Street** and approving a third amended **Encroachment Agreement** with **Granby Restaurants, L.L.C., t/a Baxter’s**, for property at **500 Granby Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-11 Letter from the City Manager and an Ordinance entitled, “An Ordinance to revoke the permission granted to **Sweet Teas Norfolk LLC** to encroach into the right of way of **Granby Street** at **345 Granby Street** for the purpose of outdoor dining,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-12 Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **245 Granby Street LLC** to encroach into the right of way of **Boush Street** and **Tazewell Street**, with a fire escape, a stair, cornices, awnings and pilasters,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting the **Hermitage Foundation** to encroach into the right of way of **Hampton Boulevard** with two two-way finding signs,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-14

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Nonexclusive Conduit Construction Franchise Agreement** with **CenturyLink Communications, LLC**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 16, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-15

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Nonexclusive Telecommunications Franchise Agreement** with **Cavalier Telephone, L.L.C.**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective October 16, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-16 Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain **Sections 25-653 and 25-654** of the *Norfolk City Code, 1979*, **SO AS TO** add twenty-seven new yield intersections and five new stop intersections," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-17 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting the donation of \$27,000.00 to the City from the **Hampton Roads Sanitation District** and appropriating and authorizing the expenditure of the \$27,000.00 for the construction of the **Lavalette Avenue Canoe/Kayak Launch and Fishing Dock**," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-18 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving a lease of certain property located at **910 Ballentine Boulevard** from the **Norfolk Redevelopment and Housing Authority**, and authorizing the City Manager to negotiate and execute a Lease Agreement on behalf of the City," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-19

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the acceptance of the **Norfolk Adult Drug Treatment Court Grant Award** of \$250,000 from the **Supreme Court of Virginia** for the **Adult Drug Court Program** and program fees up to \$10,000 and appropriating the Grant Funds and program fees and authorizing expenditure of \$78,750 from previously appropriated funds as a local cash match,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-20

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a \$45,000.00 **Virginia Sexual and Domestic Violence Victims Fund Grant Award from the Virginia Department of Criminal Justice Services** for the support of personnel costs for a program paralegal to assist in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking and family abuse and appropriating and authorizing the expenditure of Grant Funds for payroll, medical benefit coverage and retirement expenses for the program employee,” was introduced in writing and read by its title.

Betsy Powell, Commonwealth Attorney’s Office, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-21

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a \$347,162.00 **Victim Witness Grant Award** from the **Virginia Department of Criminal Justice Services** for the continuation of the **Victim/Witness Assistance Program**, appropriating and authorizing the expenditure of the Grant Funds for the program and authorizing the hiring of eight (8) people for the program in a special project employment status,” was introduced in writing and read by its title.

Betsy Powell, Commonwealth Attorney’s Office, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-22

Letter from the City Attorney and an Ordinance entitled, “An Ordinance to amend and reordain the **Code of the City of Norfolk, 1979**, to add a new **Subsection (F)** to City Code **Section 34.1-60** to authorize taxicabs to contract for additional charges for additional services,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-23

Letter from the City Attorney and an Ordinance entitled, “An Ordinance to amend and reordain Subsection (C) of **Section 29-70.1** of the **Norfolk City Code, 1979**, **SO AS TO** restrict the volume of small performances in late evening hours,” was introduced in writing and read by its title.

Len and Tina Wright, 123 College Place, Unit 1003, were present to support this matter.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-24

Letter from the City Manager and an Ordinance entitled, "An Ordinance to **change the starting time of the regular weekly City Council meeting** scheduled for Tuesday, September 22, 2015 at 7:00 p.m. to September 21, 2015, at 8:30 a.m. and to move the location of said meeting," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-25

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving the Conveyance to the City of Norfolk by **Norfolk Redevelopment and Housing Authority** of certain parcels of property located between **24<sup>th</sup> Street and 27<sup>th</sup> Street** that are currently part of the **Lambert's Point Redevelopment Project** and authorizing the City Manager to accept the **Deed** on behalf of the City," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 15, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

### **NEW BUSINESS**

1. The following speakers from Riverview asked Council for support in regards to parking and upgrading/reopening the Riverview Theatre:

- Ted Warren, 4024 Granby Street.
- Mary Barnett, 7333 Elvin Court.
- John Childress, 424 Connecticut Avenue.
- Richard Levin, 610 Pembroke Avenue.

2. Joe Cook, 1147 Surry Crescent, reiterated his request to be provided, in writing, the recommendation regarding city representatives meeting with citizens regarding coal dust; for correspondence between city council and staff and Norfolk Southern Corporation; and, to waive the \$200 cost for a Freedom of Information Act request for how much funding the Norfolk Chamber Consort receives from the city and how much funding the Chamber of Commerce receives.
3. Frank Earnest, 945 Banyan Drive, and Bob Shirley, 608 Copper Kettle Drive, both of Virginia Beach, asked Council to think about not removing the Confederate Monument, because it is part of Norfolk's history.
4. Danny Lee Ginn, 3844 Dare Circle, commented on good government.